

**CITY OF PROVIDENCE  
PUBLIC NOTICE  
ZONING BOARD OF REVIEW  
190 DYER STREET  
PROVIDENCE, RHODE ISLAND 02903  
OCTOBER 18, 2006**

**Notice is hereby given that the Zoning Board of Review will be in session in the Probate Court Room, fifth floor, City Hall on Wednesday, November 1, 2006 at 5:00 P.M. and 6:30 P.M. when all persons interested will be heard for or against the granting of the following applications for variances and special use permits under Section 902 of the Zoning Ordinance:**

**5:00 P.M.**

**JAMES & ANTOINETTE SUMMERVILLE: 219 & 223 Ohio Avenue also known as Lots 152 & 153 on the Tax Assessor's Plat 87 located in a Residential R-2 Two-Family Zone; to be relieved from Section 204.2 in the proposed construction of a new 24' x 40' single-family dwelling on lot 153. The existing single-family dwelling on lot 152 will remain unchanged. Both lots each contain 3,200 square feet of land area. As per Section 204.2 of the Zoning Ordinance, if two or more contiguous lawfully established substandard lots of record, where one or more of the lots are less than 4,000 square feet and are under the same ownership on or anytime after October 24, 1991, such lots shall be considered one lot and undivided for the purpose of the Ordinance.**

**In this instance, both lots are substandard in size and are recorded under the same ownership. The applicant is requesting a dimensional variance in order to retain the lots separately and construct a one-family dwelling on lot 153.**

**CAPITAL PROPERTIES, INC., OWNER AND US REAL ESTATE, L.P.: 10 Memorial Boulevard (corner Francis St.) also known as Lot 109 on the Tax Assessor's Plat 19 located in DOWNCITY D-1 Zone and the Capital Center District; to be relieved from Section 502.2(C) in the proposed installation of four (4) new signs: one projecting and 3 wall signs. The applicant is seeking a dimensional variance relative to regulations governing the individual sign area limitation, the height restriction, internal illumination of the signs, material make-up of the signs, and the maximum overall sign area restriction for the building. The lot in question contains approximately 71,912 square feet of land area.**

**WERBERT BRETON, OWNER AND LUIS CONTRERAS, APPLICANT: 964½ Atwells Avenue (corner Steuben St.) also known as Lot 76 on the Tax Assessor's Plat 63 located in a Residential R-3 Three-Family Zone; to be relieved from Section 303-use code 56. The current legal use of the building is a bar, restaurant, bakery and one dwelling unit. The applicant proposes to add a grocery/convenience store to the first floor, the bar and restaurant uses would be removed. The bakery and dwelling unit will remain unchanged. The applicant is requesting a use variance for the grocery/convenience store in the residential**

**R-3 district. The proposal meets the parking requirements for non-conforming uses. The lot in question contains approximately 3,200 square feet of land area.**

**DERNYS C. CASTRO, OWNER AND APPLICANT AND JOSE & MARTHA TEJADA, LESSEE: 8-14 Academy Avenue also known as Lot 601 on the Tax Assessor's Plat 64 located in a Residential R-3 Three-Family Zone; to be relieved from Section 303-use code 42. The existing building currently contains 3 commercial units all being utilized for office space. The end unit at the north side of the structure would be altered to contain a hair salon. The remaining 2 office units would remain unchanged. The applicant is requesting a use variance for the hair service. This proposal meets the parking requirements for non-conforming uses. The lot in question contains approximately 5,143 square feet of land area.**

**ALBERT & GLORIA AVILA: 68 Flora Street (corner Grafton St.) also known as Lots 383 & 384 on the Tax Assessor's Plat 72 located in a Residential R-3 Three-Family Zone; to be relieved from Sections 204.2 and 304 in the proposed construction of a new 24' x 44' single-family dwelling on lot 384. The existing two-family dwelling on lot 383 will remain unchanged. Both lots each contain 3,200 square feet of land area. As per Section 204.2 of the Zoning Ordinance, if two or more contiguous lawfully established substandard lots of record, where one or more of the lots are less than 4,000 square feet and are under the same ownership on or anytime after October 24, 1991, such lots shall be considered one lot and undivided for the purpose of the**

**Ordinance. In this instance, both lots are substandard in size and are recorded under the same ownership. The applicant is requesting a dimensional variance in order to retain the lots separately and construct a one-family dwelling on lot 384.**

**HELLER PROPERTIES/CLAUDE GOLDSTEIN: 146 Ives Street (corner Fremont St.) also known as Lot 396 on the Tax Assessor's Plat 17 located in a Limited Commercial C-1 Zone; to be relieved from Section 305 (footnote 8). The applicant proposes to use of subject premises for a restaurant and parking lot, which are permitted as-of-right. The C-1 zone allows a 0 feet rear yard setback, except that footnote 8 requires a 10 foot setback from the neighboring residential property. The applicant proposes to install a walk-in cooler and freezer at the rear of the existing building, which will reduce the rear yard setback to 4' 5". Access to the cooler/freezer will only be from inside the building and not from the rear yard. The applicant is requesting a dimensional variance relating to the rear yard setback requirement. The lot in question contains approximately 5,000 square feet of land area.**

**JUAN A. PRIETO: 90-94 Academy Avenue (corner Armington Ave.) also known as Lot 739 on the Tax Assessor's Plat 64 located in a Residential R-3 Three-Family Zone; to be relieved from Section 303-use code 42. The existing building currently contains a store, a barbershop and 2 dwelling units. The applicant proposes to alter the space (which previously housed the store) to be used for a**

laundromat. The barbershop and 2 apartments will remain unchanged. The applicant is requesting a use variance for the laundromat in this residential R-3 district. This proposal meets the parking requirements for legal non-conforming uses. The lot in question contains approximately 4,671 square feet of land area.

6:30 P.M.

THREE KIDS, LLC: 407-409 Pine Street also known as Lot 384 on the Tax Assessor's Plat 29 located in a Residential R-3 Three-Family Zone; to be relieved from Sections 201.8(A), 303-use code 14, and 703.2. The property contains two 4-story brick manufacturing buildings. The property is currently being used for residential use, however the legal use is manufacturing. The applicant requests permission to build a connecting structure between the interior of the two buildings and convert them into a total of 22 dwelling units. Relief is sought from Section 201.8(A), which prohibits the change of use to anything but a conforming use, and relief is also sought from Section 303-use code 14, a use variance, whereby a multi-family dwelling is not permitted in the R-3 district. Further relief is sought from Section 703.2, whereby this proposal would provide for 1 parking space per dwelling unit instead of the required 1.5 parking spaces per dwelling unit. Lot 384 contains approximately 6,994 square feet of land area.

**GREATER ELMWOOD NEIGHBORHOOD SERVICES, INC.:** 57 Parkis Avenue (corner Elmwood Ave.) also known as Lot 417 on the Tax Assessor's Plat 30 located in a General Commercial C-2 Zone and the Commercial Corridor Overlay District; to be relieved from Sections 305, 507.4(O), 507.4(A) and 703.2. The applicant proposes to demolish the existing building, which requires a special use permit from the Board. Further proposed is the construction of a new 2,645 square foot two-story structure that would contain community space on the first floor and 2 dwelling units on the second floor. The proposed uses are permitted within this C-2 zone and the overlay district, the applicant is requesting a dimensional variance and seeks relief from regulations governing lot area per dwelling unit, utilities & services (would be located in the side yard rather than underground), the front & side yard setback restrictions, and the parking requirement, whereby, 6 parking spaces are required, no on-site parking would be provided. The lot in question contains approximately 1,673 square feet of land area.

**PICO DEVELOPMENT, INC./STEVEN MERESI:** 15-17 Hewitt Street also known as Lots 537 & 543 on the Tax Assessor's Plat 28 located in a Residential R-3 Three-Family Zone; to be relieved from Sections 304, 419.7 and 704.2(A). The applicant proposes to merge the aforesaid lots and construct a new 48' x 26' two-family dwelling. A special use permit is being requested pursuant to Section 419.7, which states that a lawfully established lot which has less than the

minimum area requirement (5,000 square feet) for the R-3 zone may be used for two (2) dwelling units, provided that such lot shall have a width of at least 35 feet and an area of at least 3,200 square feet and receives a special use permit from the Board. In this instance, the merger of the aforementioned lots would create a lot having an area of 3,310 square feet and a width of 60 feet. Further relief is being sought from regulations governing the rear yard setback and number of driveways, whereby in residential districts one driveway only is permitted per street frontage, the applicant proposes two (2) driveways, one for each dwelling unit.

DINO MANAGEMENT, LLC, OWNER OF LOT 211, MILO MANAGEMENT, LLC, OWNER OF LOT 542 AND MILO CONSTRUCTION, APPLICANT: 10 (lot 542) & 14 (lot 211) Milo Street as indicated on the Tax Assessor's Plat 115 located in a Residential R-1 One-Family Zone; to be relieved from Section 204.2 in the proposed construction of a new 24' x 30' one-family dwelling on each of the aforementioned lots. As per section 204.2 of the Zoning Ordinance, if two or more contiguous lawfully established substandard lots of record, where one or more of the lots are less than 4,000 square feet in area and are under the same ownership on or anytime after October 24, 1991, such lots shall be considered to be one lot and undivided for the purpose of the Ordinance. Lots 211 and 542 are both substandard in size and were previously recorded under the same ownership. The applicant is requesting a dimensional variance in order to construct a new one-family dwelling on each lot

and seeks relief from regulations governing undersized lots. Both lots contain approximately 3,200 square feet of land area.

**CHAMPION REALTY CORPORATION:** 290 Smith Street also known as Lot 91 on the Tax Assessor's Plat 67 located in a Limited Commercial C-1 Zone; to be relieved from Sections 201.5, 303-use code 45, 305 and 305.1(footnotes 7 & 10) pursuant to Section 200 in the proposed construction of a new 40' x 122' addition to the existing transmission repair and sales facility. The proposed addition would be used for the storage of transmission parts. The applicant is requesting a use variance in order to expand this legal nonconforming use, and further seeks relief from the front and side yard regulations. The lot in question contains approximately 45,221 square feet of land area.

**ATHENAEUM ROW CONDOMINIUM ASSOCIATION:** 259 Benefit Street, Lot 237 on the Tax Assessor's Plat 12 located in a Residential R-1 One-Family Zone; to be relieved from Sections 201.7, 304 and 704.2(C). The property is part of 5 historic townhouses known as Athenaeum Row, with each townhouse separated from its neighbor by a common party wall. Each townhouse is on a separate lot. This property is legally nonconforming for 4 units, and is nonconforming to all R-1 dimensional requirements. The condominium association, as owner of the common elements including the rear yard, proposes to construct a parking deck for 3 cars in the rear of the property,

accessing a private gangway. Relief is sought from Section 201.7 for the increase in number of parking spaces from 0 to 3 spaces. Relief is sought from Section 304 from the minimum side yard dimensions, which will remain at 0 where they are now, but will also extend to the proposed parking deck accessory structure, and from the minimum rear yard, which will remain as to the main structure, but will be 0 as to the proposed parking deck accessory structure, and from the maximum lot coverage, which will be further increased by the proposed parking deck accessory structure. Relief is sought from Section 704.2(C) to “pave” the rear yard area for the proposed parking deck accessory structure. The applicant is requesting a dimensional variance from all of the above referenced sections. The lot in question contains approximately 2,400 square feet of land area.

**BENEFIT PARTNERSHIP, LLC:** 261 Benefit Street, Lot 461 on the Tax Assessor’s Plat 12 located in a Residential R-1 One-Family Zone; to be relieved from Sections 201.5, 201.7, 202.4, 304 and 704.2( C ). The property is part of 5 historic townhouses known as Athenaeum Row, with each townhouse separated from its neighbor by a common party wall. Each townhouse is on a separate lot. This property is legally nonconforming for 4 units, and is nonconforming to all R-1 Dimensional requirements. The owner proposes to decrease the number of units to 3, and construct a second-floor addition over the existing 1-story wing at the rear of the property, and to construct a

parking deck for 3 cars in the rear of the property, accessing a private gangway. The main building is nonconforming by use, containing 4 dwelling units where only 1 is permitted. Despite the Owner's voluntary reduction in units to 3, this will still be nonconforming. Thus relief is sought from Section 201.5 for the second floor rear addition, and from Section 201.7 for the increase in number of parking spaces from 0 to 3. The main building is nonconforming by dimension as well, thus relief is sought from Section 202.4 for the second-floor addition, which will be no closer to any lot boundary than the existing building. Relief is sought from Section 304 for the minimum side yard dimensions, which will remain at 0 where they are now, but will also extend to the proposed parking deck accessory structure; and from the minimum rear yard, which will remain as to the main structure, but will be 0 as to the proposed parking deck accessory structure; and from maximum lot coverage, which will be further increased by the proposed parking deck accessory structure. Relief is sought from Section 704.2(C) to "pave" the rear yard area for the proposed parking deck accessory structure. The applicant is requesting a dimensional variance from all of the above referenced sections.

Following the above hearings, the Board will meet in executive session regarding pending litigation in the matter of Premier Land Development, Inc. and Lantern Holdings, LLC v. the Zoning Board of Review of the City of Providence, et al.

**THIS MEETING MAY BE CONTINUED FROM DAY TO DAY AND TIME TO TIME AT THE DISCRETION OF THE ZONING BOARD OF REVIEW.**

**THIS MEETING IS ACCESSIBLE TO ALL PERSONS. INDIVIDUALS REQUESTING INTERPRETER SERVICES MUST NOTIFY THE OFFICE OF NEIGHBORHOOD SERVICES AT (401) 421-7768, 48 HOURS IN ADVANCE OF THE HEARING DATE.**

**ESTA REUNION PUEDE SER CONTINUADA EN CUALQUIER MOMENTO BAJO LA DISCRECTION DE LA JUNTA DE REVISIONES DE ZONA.**

**LA INFORMACION DE ESTA REUNION ESTA DISPONIBLE PARA TODAS LAS PERSONAS E INDIVIDUOS QUE REQUIERAN SERVICIOS DE INTERPRETE, LLAME A LA OFICINA DE SERVICIOS VECINDALES AL (401) 421-7768, POR LO MEMOS 48 HORAS ANTES DE SU FECHA DE JUICIO.**

**PETER D. CARNEVALE, SECRETARY**

**(401) 421-7740 ext. 376**